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August 5, 2022

**VIA ECF**

Hon. Brian M. Cogan  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: United States v. Al Malik Alshahhi, et. al., No. 1:21-cr-00371 (BMC)**

Dear Judge Cogan:

We write to briefly address the government's August 5, 2022 (Dkt. No. 145 ("Opp.")) opposition to Mr. Grimes' request to modify his conditions of release (Dkt. No. 137).

Putting aside the fact that the government continues to improperly lump the two defendants together, the government also grossly mischaracterizes the conditions surrounding this Court's prior ruling on this issue and, more importantly, its burden here. The question for purposes of this application is *not* whether Mr. Grimes ever spoke to a UAE official during the relevant period, but whether the government has *any* evidence whatsoever to support its conjecture of supposed pressure by those third parties *now* on Mr. Grimes to flee.

At the November 2, 2021 hearing on Mr. Grimes' prior application to remove his ankle bracelet, the government suggested it had intelligence to support its concern that pressure could be put on Mr. Grimes to flee by UAE officials. It was based on that representation—which the government refused to substantiate at the time—that the Court denied Mr. Grimes' application, noting that, even so, "[i]t is a very close question." Status Conference Tr. 19:11-12 (Nov. 2, 2021). As the government points out, it has now produced "hundreds of thousands of pages of discovery" (Opp. at 3), yet still it has not produced a single document (secret or otherwise) that could support the government's conjecture of supposed pressure on Mr. Grimes that would make him a flight risk. Whether Mr. Grimes spoke to a UAE national security official or not at some point in some setting bears nothing on the issue of whether he is a flight risk. One further issue the government cannot rebut is that it is extremely unlikely that a now 28-year-old would risk his family's house and property and want to live as a fugitive for over 50 years.

Sincerely,

/s/ Abbe David Lowell  
Abbe David Lowell

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cc: All counsel of record (via ECF)